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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,404	09/16/2003	Xiang-Dong Yin	70566-0016	9674

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CLARK & BRODY
1090 VERMONT AVENUE, NW
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WASHINGTON, DC 20005

EXAMINER

JOYNER, KEVIN

ART UNIT	PAPER NUMBER
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1744

MAIL DATE	DELIVERY MODE
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09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/662,404	Applicant(s) YIN ET AL.	
	Examiner Kevin C. Joyner	Art Unit 1744	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____


 GLADYS JP CORCORAN
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The proposed arguments are not persuasive. The applicant argues that;

Brutti nor the combination of Brutti in view of Li or Morgandi teaches the claimed temperature sensor and its mounting to the stainless steel thin wall as a direct connection utilizing a brazing technique.

As shown in Figure 1, the thermocouple (56) is in direct contact with the stainless steel thin wall of chamber (36). There is simply no indication that the sensor (56) is placed through a hole in the wall of the chamber, wherein the sensor does not touch the chamber in any fashion. However, should the applicant continue to argue that the sensor does not directly connect to the wall, Morgandi clearly discloses a temperature sensor (12) that is directly connected to a thin wall (5) of a chamber in order to provide maximum structural stability so ensuring their prolonged operation with time (column 4, lines 30 and 31).

The Applicant also argues that; the rejection lacks the proper reasoning to modify Brutti using the teaching of Li.

As clearly stated in column 2, lines 35-47 of Li, it is essential to monitor the temperature uniformity of the heating surface, and controlling the thermal energy provided to evaporate the precursors in order to produce the desired vapor quality. As such, Li provides a heating device (62) and temperature sensor (68) located in a thin wall (as broadly defined, the wall is a thin wall). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Brutti to include a heating device connected to the same stainless steel thin wall that the temperature sensor is connected to in order to control the thermal energy provided to evaporate the precursors to produce the desired vapor quality.

The Applicant continues to argue that; regarding claim 6, there is no reason to provide an entrance on the bottom of the tube (34) of Brutti to bring the thermocouple (56) into its desired location.

As broadly defined by the limitations of the claim, the sensor (56) of Brutti is located at a "bottom" of the assembly. As shown in Figure 1, the chamber is the bottom of the assembly, and the articles above the chamber (36) such as the injectors (18) comprise the top of the assembly.

The Applicant continues to argue that; concerning claim 18, Brutti does not teach that at least a side of a tip of the thermocouple directly contacts the inside wall, and a tip end surface remains exposed after brazing so that the inside wall temperature and temperature of the water inside the cup can be sensed. As disclosed in the Response to Arguments section of the Final Office Action, the tip of the sensor is the smaller portion located on the end of the sensor (56). As shown in Figure 1, the tip of the sensor begins on the outer portion of the wall of chamber (36) and protrudes through that wall into the chamber. The brazing technique of Morgandi, which is done in order to provide maximum structural stability so ensuring their prolonged operation, would braze that tip to the inner portion of the wall. As disclosed by Brutti in column 4, lines 17-20 the sensor is utilized to regulate the temperature of the entire evaporator apparatus (i.e. The apparatus is the materials in the assembly such as the chamber walls. The vapor inside the apparatus is not a part of the apparatus itself, but merely a fluid in the apparatus.) Thus, Brutti provides a teaching of monitoring the temperature of the wall.

The Applicant also argues that; Brutti does not teach a steam on demand generator.

As disclosed in the Response to Arguments of the Final Office Action, steam, is water in the form of a vapor. Brutti injects water into an assembly, wherein the water evaporates into a vapor. Therefore, the apparatus generates steam..